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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,077	08/04/2003	Daniel Christian Shavers	DN2002153	5234

27280 7590 02/09/2005

THE GOODYEAR TIRE & RUBBER COMPANY
INTELLECTUAL PROPERTY DEPARTMENT 823
1144 EAST MARKET STREET
AKRON, OH 44316-0001

EXAMINER

SUN, XIUQIN

ART UNIT PAPER NUMBER

2863

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/634,077	SHAVERS ET AL.	
	Examiner	Art Unit	
	Xiuqin Sun	2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-10 is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>08/04/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wada et al. (U.S. Pat. No. 5485406) in view of Hofelt, Jr. et al. (U.S. Pat. No. 3914907).

In regard to claim 1:

Wada et al. teach a method of measuring the radial runout variation across the peripheral surface of the tread elements of a tire; comprising the steps of: locating the tire's center axis (col. 3, lines 15-22); rotating the tire about its axis and locating and measuring the radial high point and radial low point on the tread elements peripheral surface in each of several circumferential planes between the tread shoulders (col. 3, lines 15-50); inputting the measurements into a computer (col. 3, lines 51-67) and comparing the measurements to sorted profile algorithms, selecting the optimum profile algorithms for establishing a virtual tread profile template (cols. 1-2, lines 53-1; col. 2, lines 21-44; and cols. 6-7, lines 62-3).

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Wada et al. do not mention explicitly: engaging a tread removal means to remove tread rubber to match the tread profile to the virtual tread profile template.

Hofelt, Jr. et al. disclose a method for improving the ride characteristics of tires, including: engaging a tread removal means to remove tread rubber to match the tread profile of a tire under treatment to a specified virtual tread profile template (col. 4, lines 21-27; col. 5, lines 15-21, lines 38-57; col. 8, lines 14-17; cols. 8-9, lines 48-20; cols. 10-11, lines 50-6 and col. 11, lines 23-27).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the teaching of Hofelt, Jr. et al. in the invention of Wada et al. in order to not just measure but also correct the non-uniformity of the tread elements of a tire (Hofelt, Jr. et al., col. 4, lines 6-17).

In regard to claims 2 and 3:

Wada et al. do not mention explicitly: the measurements are taken in at least three and five circumferential planes.

It is however obvious that the apparatus and method of Wada et al. is generic enough and capable of taking the measurements in any circumferential plane by moving the Y detection means in parallel to the X-axis (Wada et al., Abstract; Figs. 1A and 1B).

It would have been obvious to one having ordinary skill in the art to place the Y detection means at any desired locations (e.g., three or five different locations) on the X-axis to perform the measurements (Wada et al., Abstract).

In regard to claims 5 and 6:

Wada et al. do not mention explicitly: controlling the movement of the tread removal means by directing the movements to follow the virtual template; controlling the rotational movement of the tire as the tread removal means traverses across the tread.

The teaching of Hofelt, Jr. et al. includes: controlling the movement of the tread removal means by directing the movements to follow the virtual template (Fig. 6; col. 5, lines 15-21, lines 38-57; col. 8, lines 14-17; cols. 8-9, lines 48-20; cols. 10-11, lines 50-6 and col. 11, lines 23-27); controlling the rotational movement of the tire as the tread removal means traverses across the tread (Fig. 6; col. 5, lines 15-21, lines 38-57; col. 8, lines 14-17; cols. 8-9, lines 48-20; cols. 10-11, lines 50-6 and col. 11, lines 23-27).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the teaching of Hofelt, Jr. et al. in the invention of Wada et al. in order to correct effectively the radial runout of the tread elements of a tire (Hofelt, Jr. et al., col. 4, lines 6-17).

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wada et al. (U.S. Pat. No. 5485406) in view of Hofelt, Jr. et al. (U.S. Pat. No. 3914907), as applied to claim 1 above, and further in view of Reese (U.S. Pat. No. 6237402).

Wada and Hofelt, Jr. et al. teach a method that includes the subject matter discussed above. Wada and Hofelt, Jr. et al. do not mention explicitly: the tire being measured and corrected is an off-the-road tire.

Reese discloses a method for minimizing the radial runout of a tire and rim assembly, in which said tire is an off-the-road tire (see Abstract and col. 1, lines 5-11).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the teaching of Reese in the combination of Wada and Hofelt, Jr. et al., as suggested by Reese (see Abstract), because the method taught by Wada and Hofelt, Jr. et al. is deemed to be generic enough to be applicable to an off-the-road tire.

Allowable Subject Matter

4. Claims 7-10 are allowed.

Reasons for Allowance

5. The following is an examiner's statement of reasons for allowance:

The primary reason for the allowance of claims 7-10 is the inclusion of the limitation of a truing device assembly mounted on a movable carriage, the carriage having linear bearings attached to the guide rail bearings. It is this limitation found in each of the claims, as it is claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes these claims allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Prior Art Citations

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6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- 1) Schartz et al. (U.S. Pat. No. 6739186) disclose a method for minimizing the radial runout of a tire and rim assembly.
- 2) Shteinhauz (U.S. Pub. No. 20020177964) disclose methods and apparatus for predicting tire uniformity.
- 3) Williams et al. (U.S. Pat. No. 6615144) disclose methods and apparatus for predicting tire uniformity.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xiuqin Sun whose telephone number is (571)272-2280. The examiner can normally be reached on 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571)272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Xiuqin Sun
Examiner
Art Unit 2863

XS
February 7, 2005


John Barlow
Supervisory Patent Examiner
Technology Center 2800